

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

NIPPON SHINYAKU CO., LTD.,	)	
Plaintiff,	)	
	)	C.A. No. 21-1015 (GBW)
v.	)	
	)	<b>DEMAND FOR JURY TRIAL</b>
SAREPTA THERAPEUTICS, INC.,	)	
Defendant.	)	
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SAREPTA THERAPEUTICS, INC. and THE	)	
UNIVERSITY OF WESTERN AUSTRALIA,	)	
Defendant/Counter-Plaintiffs,	)	
	)	
v.	)	
	)	
NIPPON SHINYAKU CO., LTD. and NS	)	
PHARMA, INC.,	)	
Plaintiff/Counter Defendants.	)	

**NS'S MOTION FOR SUMMARY JUDGMENT NO. 2 -  
INFRINGEMENT OF CERTAIN NS PATENTS**

Pursuant to Federal Rule of Civil Procedure 56, plaintiff Nippon Shinyaku Co., Ltd. and Counter-Defendant NS Pharma, Inc. hereby moves for summary judgment that (i) Sarepta Therapeutics, Inc. directly and indirectly infringes claims 1-3 of US Patent No. 10,385,092 (the “’092 Patent”), claims 1-2 of US Patent No. 10,407,461 (the “’461 Patent”), and claims 1-2 of US Patent No. 10,487,106 (the “’106 Patent”) under 35 U.S.C. § 271 (a), (b), and (c); and (ii) Sarepta Therapeutics, Inc. indirectly infringes claims 1-12 of US Patent No. 10,647,741 (the “’741 Patent”) and claims 1-4 of US Patent No. 10,662,217 (the “’217 Patent”) under 35 U.S.C. § 271 (b) and (c). The grounds for the instant motion are set forth in the accompanying opening brief in support, which is incorporated herein by reference.

Dated: December 11, 2023

Respectfully submitted,

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and Counterclaim Defendant NS  
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